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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KIRK WILLIAMS,

11 Petitioner,

12 Case No. C18-1012-RSL-MLP

13 v.

14 JAMES KEY,

15 Respondent.

16 ORDER DENYING PETITIONER'S
17 MOTION FOR RECONSIDERATION

18 This is a federal habeas action brought under 28 U.S.C. § 2254. This matter comes before
19 the Court at the present time on Petitioner's motion seeking reconsideration of this Court's April
20 1, 2019 Order denying Petitioner's second motion for appointment of counsel. (Dkt. # 32.) In his
21 second motion for appointment of counsel, Petitioner specifically requested that counsel be
22 appointed to assist him in filing a response to Respondent's answer to his amended habeas
23 petition. (*See* Dkt. # 24.) The Court denied the motion upon concluding that an evidentiary
hearing would likely not be necessary, and that the interests of justice did not require
appointment of counsel. (*See* Dkt. # 31 at 2-3.) The Court noted, in particular, that Petitioner had

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1 demonstrated a reasonable ability to litigate this action without counsel, and that concerns cited
2 by Petitioner regarding limitations on library access could be addressed by providing Petitioner
3 additional time to prepare a response to Respondent's answer. (*Id.* at 3.) And, in fact, the Court
4 granted Petitioner a lengthy extension of time to file his response in its Order denying his request
5 for counsel. (*Id.*)

6 Petitioner asserts in his motion for reconsideration that counsel should be appointed
7 because his case is arguably meritorious, he cannot afford to hire a lawyer, and he is unable to do
8 any research because he is not allowed to have case law in his possession. (Dkt. # 32 at 1-2.)
9 Petitioner submitted in support of his motion documentation confirming that prisoners at the
10 facility where he is currently confined are not permitted to retain case law, though they are
11 permitted to review case law while in the law library which Petitioner has access to. (*Id.* at 5.)

12 The Court will ordinarily deny motions for reconsideration "in the absence of a showing
13 of manifest error in the prior ruling or a showing of new facts or legal authority which could not
14 have been brought to its attention earlier with reasonable diligence." LCR 7(h)(1). As previously
15 noted, Petitioner has shown a reasonable ability to litigate this action without the assistance of
16 counsel. And, though Petitioner claims he is unable to do any research, his materials demonstrate
17 that he has access to the law library and therefore to case law. The fact that Petitioner is not
18 allowed to keep case law in his possession should not present an undue hinderance to Petitioner's
19 ability to file a response to Respondent's answer given that the Court recently granted Petitioner
20 a lengthy extension of time to prepare and filed his brief. In sum, Petitioner has not demonstrated
21 any error in the Court's prior ruling, nor has he identified any new facts or legal authority which

1 support his request for counsel. Petitioner's motion for reconsideration (Dkt. # 32) is therefore
2 DENIED.

3 The Clerk is directed to send copies of this Order to Petitioner, to counsel for
4 Respondent, and to the Honorable Robert S. Lasnik.

5 DATED this 19th day of April, 2019.

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8 MICHELLE L. PETERSON
9 United States Magistrate Judge

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